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**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FILED

5/19/21 3:40 pm

CLERK

U.S. BANKRUPTCY
COURT - WDPA

In re:	:	Case No.:	18-22880-GLT
	:	Chapter:	13
Mattie M. David	:		
	:		
	:	Date:	5/19/2021
Debtor(s).	:	Time:	09:00

PROCEEDING MEMO

MATTER: #63 Motion for Relief from Stay NUNC PRO TUNC IN ORDER TO PROCEED WITH MORTGAGE FORBEARANCE filed by Freedom Mortgage Corporation
#70 - Response filed by Debtor

APPEARANCES:

Debtor: Daniel R. White
 FreedomMortg: Andrew Spivack

NOTES: (9:28)

Spivack: There was miscommunication about who was responsible for filing the status report. It was our mistake and we'll rectify it.

Court: It was incumbent on both parties to file the status report.

Spivack: I went through the payments and the trustee's ledger, the debtor continued to make payments even though they had a forbearance. We're trying to see what is remaining - my client believes they're current but the Debtor does not. My client believes there is no issue outstanding. I don't know why it's taking this long to get it resolved.

White: The debtor doesn't object to the forbearance and the payments would be applied to the forbearance period. What we're looking for is how much forbearance would remain after those payment are applied.

Court: Payment were made and applied during the forbearance period?

White: Yes, during that year they paid \$8,000 to the mortgage company, but that wouldn't have been a full payment for that period. The debtor doesn't object to forbearance itself, but I'm looking for confirmation about how those payments would be applied.

Spivack: This is a USDA loan, it is possible the debtor could qualify for deferral under the CARES Act.

Court: There needs to be an amended order allowing the forbearance, and also needs to tie up the accounting of how the payment were applied. Was the period March to March?

Spivack: It was March through December. There was a wage attachment and the trustee was still remitting payment.

Court: Is there still a question about getting the numbers straight between the servicer and the debtor?

White: That \$8,000 paid post-forbearance, we don't know whether it reduces the term of the forbearance.

Court: Proposed form of order that resolves this motion under a COC within 7 days.

OUTCOME:

1. Freedom Mortgage Corporation's *Motion for Relief from Stay NUNC PRO TUNC IN ORDER TO PROCEED WITH MORTGAGE FORBEARANCE* [Dkt. No. 63] to be resolved by STIPULATION. On or before May 26, 2021, the parties shall file a proposed form of order resolving the Motion and any associated accounting issues under a certification of counsel [Text Order to Issue]

DATED: 5/19/2021